
Use of Force - Duty To Intercede and Report

Topic: Use of Force

DTB Date:

SCENARIO:

This training bulletin is part three of a three-part series.

"I just don't get it," Officer Lauren Wilkerson says, pausing to take the first sip of her coffee while parked next to Officer Rodney Ortiz on an unseasonably cold February day. "I mean, I was right there next to her."

Blowing on the steaming hot brew in his cup, Officer Ortiz considers his response. "Well, using force is always judged by what a reasonable officer knew or should have known at the time the force is applied." He gently sips from the cup's edge and continues. "Have you discussed it with Nora?"

"No. We had a brief discussion at the scene. Then Sergeant Howard rolled up and Nora acted like everything was cool." Another sip before continuing: "It was so bizarre, you know. There we were, with a guy who was in cuffs and had stopped resisting, and she gives him a shot in the ribs. I didn't realize what was happening quickly enough to stop the first strike, but I blocked her second shot. Then she jumps my case for stopping her and acts like nothing happened when the sergeant got there."

"Well, that doesn't seem like Nora. Like I said, maybe she saw something you didn't that justified her force," Officer Ortiz offers.

"That's just it – there was nothing else to see! I took into account what she might have been seeing or that she knew something that I didn't," Officer Wilkerson says. "Still, there were no circumstances that would have made it appropriate to give that guy a knee to the ribs. Twice. That's why I had to jump in and stop it from happening. And that's what I told the sergeant, too."

ISSUE: Did Officer Wilkerson comply with our Use of Force Policy when she interceded and reported Officer Tran's actions?

REFER:

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (2020 Oregon Laws, c.5, § 2).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (2020 Oregon Laws, c.5, § 2).

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300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

ANALYSIS:

There is always a possibility that an officer using force may have additional information that a secondary officer would not know (e.g., the suspect is hiding an object under their body on the ground or is about to spit). The other officer's perspective is something that our members should consider if time and circumstances permit. In her conversation with Officer Ortiz, Officer Wilkerson indicates she took Officer Tran's perspective into account when she intervened to prevent Officer Tran's use of force that she deemed objectively unreasonable under the circumstances. This is the correct analysis and procedure, even if a subsequent investigation reveals additional relevant facts.

CONCLUSION:

Officer Wilkerson complied with our Use of Force Policy when she interceded and reported Officer Tran's actions.

QUESTION:

When evaluating the use of force used by another law enforcement officer or member, officers should take into account the perspective of the other member and consider:

ANSWERS:

- (a) The totality of the circumstances.
- (b) The possibility that the other law enforcement officer may have additional information regarding the threat posed by the subject.
- (c) Both of the above.
- (d) None of the above.

CORRECT ANSWER:

Both of the above.